

FILED

SEP 30 1993

HOWARD HANSON
MARIN COUNTY CLERK
by P. Fan, Deputy

1 Ford Greene
California State Bar No. 107601
2 HUB LAW OFFICES
711 Sir Francis Drake Boulevard
3 San Anselmo, California 94960-1949

4 Attorney for Defendant
GERALD ARMSTRONG

RECEIVED

SEP 30 1993

HUB LAW OFFICES

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN

cc Wilson
10-1-93
fa

10	CHURCH OF SCIENTOLOGY INTERNATIONAL,)	No. 157 680
	a California not-for-profit)	
11	religious corporation,)	ARMSTRONG'S EX PARTE
)	APPLICATION FOR EXTENSION
12	Plaintiff,)	OF TIME TO RESPOND TO
)	COMPLAINT AND FOR
13	vs.)	EXTENSION OF TIME TO
)	RESPOND TO DISCOVERY;
14	GERALD ARMSTRONG; MICHAEL WALTON;)	DECLARATION OF FORD
	THE GERALD ARMSTRONG CORPORATION,)	<u>GREENE; [Proposed] ORDER</u>
15	a California for-profit)	
	corporation; DOES 1 through 100,)	
16	inclusive,)	
)	Date: September 29, 1993
17	Defendants.)	Time: 1:30 p.m.
)	Dept: One
18)	Trial Date: None Set

19 TO: CHURCH OF SCIENTOLOGY INTERNATIONAL AND ITS ATTORNEYS OF
20 RECORD:

21 PLEASE TAKE NOTICE that on September 29, 1993, at 1:30 p.m.,
22 in Department 1 of the above-entitled Court, located at the Hall
23 of Justice, Marin County Civic Center, San Rafael, California,
24 defendant Gerald Armstrong, by and through his attorney of record,
25 Ford Greene, will seek ex parte orders allowing him an extension
26 of five (5) days to respond to the complaint herein and to respond
27 to plaintiff's first request for production of documents.

28 This ex parte application is based upon the ground that

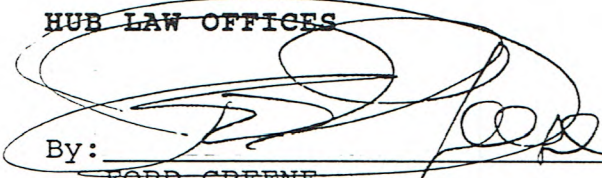
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1 counsel for defendant Armstrong has been debilitated by a physical
2 illness since September 25, 1993 and is under medical direction
3 not to work until at least October 1, 1993. The legal basis for
4 the instant application includes, but is not limited to California
5 Rule of Court 379, Local Rule 2.10, and C.C.P. section 2031 (h).

6 This ex parte application is based upon this notice, the
7 attached declaration of Ford Greene, the court's files and records
8 in this case and such other material as is presented in support of
9 the application.

10 DATED: September 29, 1993

HUB LAW OFFICES



By:

FORD GREENE
Attorney for Defendant
GERALD ARMSTRONG

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DECLARATION OF FORD GREENE

FORD GREENE declares:

1. I am an attorney licensed to practice law in the Courts of the State of California and am the attorney of record for GERALD ARMSTRONG, defendant herein.

2. By previous order of this Court issued August 30, 1993, defendant Armstrong was allowed an extension of time to respond to the complaint and to plaintiff's first request for production of documents through September 29, 1993.

3. Starting Saturday night, September 25, 1993, I developed an intense, splitting headache. For the first two days, when I would stand up, bend over or laugh, the pain was so intense I was incapacitated. It is difficult to read. Although the pain has subsided some since I was examined Monday morning, September 27, 1993, when my personal physician gave me an injection, other medication and ordered me to bed, it continues. A true and correct copy of the letter my doctor, Barry Landfield, M.D., has written is attached hereto and incorporated herein. Said letter was written by Dr. Landfield to a particular judge in another county. Since I have litigated against Scientology in the state and federal courts for the past 4.5 years, it has deemed me an "enemy" and subjected me to its so-called "fair game" policy, a policy of retribution and punishment. ¹/

¹ According to the Fair Game Policy, such persons upon whom it is imposed,

"[m]ay be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist. May be tricked, sued or lied to or destroyed."

(continued...)

1 Therefore, I have redacted the name of the judge and court to
2 which Exhibit A is addressed because I do not want Scientology
3 taking any action to sabotage my client's interests in said
4 action. I will be happy to show an unredacted copy of said letter
5 to the Court in camera.

6 4. Due to my medical condition, I am not prepared to
7 respond to the complaint and request an extension of time of five
8 (5) days until Monday, October 4, 1993, to so respond and request
9 an extension of time of five (5) respond to the request for
10 production as well.

11 5. I have given notice of the present application for ex
12 parte orders to counsel for plaintiff in the following manner:

13 By telephone on the afternoon of September 28, 1993 to
14 Andrew Wilson, with whom I spoke personally.

15 6. Today, I received the following response to said notice:
16 Mr. Wilson said that whether or not he opposed our application
17 would depend upon what papers we intended to file. When I told
18 him our intention was to file a motion for coordination of actions
19

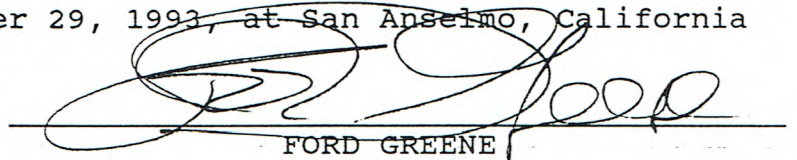
20 ¹(...continued)

21 (Hart v. Cult Awareness Network (1993) 16 Cal.Rptr.2d 705, 707;
22 Church of Scientology of California v. Armstrong (1991) 232
23 Cal.App.3d 1060, 283 Cal.Rptr. 917; Wollersheim v. Church of
24 Scientology (1989) 212 Cal.App.3d 872, 880, 888-889, 893-894, pet.
25 for cert. granted, vacated and remanded on other grounds, 111
26 S.Ct. 1298 (1991); aff'd on remand 4 Cal.App.4th 1074 (1992);
27 review granted S011790 (1992) and dismissed (1993);
28 Allard v. Church of Scientology of California (1976) 58 Cal.App.3d
29 439, 443, fn. 1; See also United States v. Kattar (1st Cir.1988)
30 840 F.2d 118, 125; Van Schaick v. Church of Scientology (U.S.D.C.
31 Mass.1982) 535 F.Supp. 1125, 1131 n.4; Christoffersen v. Church
32 of Scientology (1982) 57 Ore.App. 203, 644 P.2d 577, 590-92;
33 Church of Scientology v. Commissioner of Internal Revenue (1984)
34 83 T.C. 381, 411-12, aff'd, 823 F.2d 1310 (9th Cir. 1987).
35 policy].

1 (Scientology has two other lawsuits pending against Armstrong in
2 Department 30 of the Los Angeles Superior Court) and a stay
3 pending a ruling on the motion, Mr. Wilson told me that he
4 objected to my request for five (5) days additional time.

5 Under penalty of perjury pursuant to the laws of the State of
6 California I hereby declare that the foregoing is true and correct
7 according to my first-hand knowledge, except those matters stated
8 to be on information and belief, and as to those matters, I
9 believe them to be true.

10 Executed on September 29, 1993, at San Anselmo, California

11 
12 FORD GREENE

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14
15 ORDER

16 GOOD CAUSE appearing therefor, it is hereby ORDERED that
17 Defendant Gerald Armstrong shall have through and including
18 October 4, 1993 to answer or otherwise respond to the complaint
19 herein.

20 GOOD CAUSE appearing therefor, it is FURTHER ORDERED that
21 Defendant Gerald Armstrong shall have through and including
22 October 4, 1993, to respond to plaintiff's first request for the
23 production of documents.

24
25 DATED:

29
SEP 30 1993

26 LYNN O. TAYLOR

27 _____
28 Judge of the Superior Court



First Med
M A R I N
MEDICAL CLINIC

25 Bellam Boulevard
Suite 101
San Rafael, CA 94901
415/258-9500
Barry S. Landfield, M.D.
Medical Director

Sept 27. 1993

Dear Judge

Ford Greene came to my office today for treatment of an acute medical condition. The nature and severity of his illness required immediate medical intervention. After medicating Mr. Greene at my office I ordered him home to bed rest.

Mr. Greene informed me of the urgency to appear in court before you on Wednesday Sept. 29. 1993. nevertheless he is physically unable to do so. On my orders and direction he will not be able to perform his legal duties to his clients until Friday. Oct. 1. 1993. Please give Mr. Greene all due consideration in this matter. If I can be of any further assistance please do not hesitate to call.

Very truly yours,

Barry Landfield, M.D.
Barry S. Landfield M.D.

PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following documents: **ARMSTRONG'S EX PARTE APPLICATION FOR AN EXTENSION OF TIME TO RESPOND TO COMPLAINT AND TO RESPOND TO DISCOVERY; DECLARATION OF FORD GREENE; [Proposed] ORDER**

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California:

Andrew H. Wilson
WILSON, RYAN & CAMPILONGO
235 Montgomery Street, Suite 450
San Francisco, California 94104

- (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.
- (Personal Service) I caused such envelope to be delivered by hand to the offices of the addressee.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

DATED: September 29, 1993

